IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3079 OF 2006
IN
APPEAL NO. 656 OF 2006
IN
WRIT PETITION NO. 990 OF 2006.

M/s. Bhatiya General Hospital] .. Appellants (Ori.Petitioners)

Versus

1. Mrs. Shakuntala Sanap & ors.] .. Respondents

Mr. K.S. Bapat with Mr. J.K. Desai for the applicants - appellants

Mr. Thanmesh Shetty i/b Mr. A.D. Shetty for the respondent No.1.

CORAM: R.M. LODHA &
S.A. BOBDE, JJ.

DATED: 19TH SEPTEMBER, 2006

P.C. :

. We heard the counsel for the appellant and the respondent No.1.

2. On 21st September, 2005 the Ist Labour Court, Mumbai passed the Award in the dispute referred to it vide Reference (IDA) No.341 of 2002. The Ist Labour Court held that the first respondent herein (second party therein) has been able to establish that her services were illegally terminated from 26th May, 1999

and that she is entitled to reinstatement with full back wages and continuity of service from 26th May, 1999.

3. The said Award dated 21st September, 2005 came to be challenged by the employer (present (appellant) in Writ Petition No.990 of 2006. The learned single Judge of this Court found no merit in the Writ Petition and dismissed the same. Aggrieved by the Award dated 21st September, 2005 and the order of the learned Single Judge dated 24th April, 2006, the employer has come in Appeal. The Appeal has already been admitted. Having considered all the facts and circumstances of the case, including the statement of the counsel for respondent No.1 that the respondent No.1 is not gainfully employed anywhere, we are satisfied that the following order shall meet the ends of justice:

(i) The appellant (employer) shall pay to the respondent No.1, the wages at the rate last drawn with effect from 18th December, 2005 (the date on which the Award dated 21st September, 2005 has come into operation).

(ii) The arrears of wages at the rate last drawn from 18th December, 2005 until 31st August, 2006 shall be paid by the appellant

to the respondent No.1 within fifteen days from today.

(iii) The wages from the month of September, 2006 and subsqequent months shall be paid by the appellant to the respondent No.1 every month on or before 7th of each succeeding month. Accordingly, the wages for the month of September, 2006 shall be paid by the appellant to respondent No.1 before 7th October, 2006 and for the subsequent months on or before 7th of succeeding month accordingly.

(iv) Upon compliance, the operation of the impugned Award dated 21st September, 2005 shall remain stayed.

(v) In case the appellant finds that the respondent No.1 is gainfully employed, we grant liberty to the appellant to apply to this Court for modification of the order.

. Notice of Motion stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]